

David A. Paterson
Governor



Deborah VanAmerongen
Commissioner

New York State Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433

May 27, 2009

Dear Mr. Mansukh:

Your letter to Mr. Gregory Fewer dated May 7, 2009 was directed to my office for a reply.

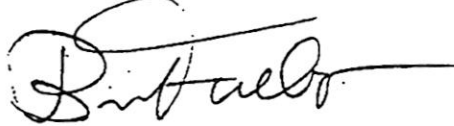
In your letter, you ask the following two questions:

1. *Is the Owner violating the Rent Stabilization Code by doing a background check before adding someone on the lease agreement and/or before issuing keys?*
2. *Is the owner allowed to charge a vacancy allowance by adding someone on the lease other than the spouse?*

The answer to question #1 is "no". The answer to question #2 is "yes". Enclosed for your review is a previously issued opinion letter (COL-1906) that addresses these questions. In addition, please be advised the results of a background check cannot be used to keep a spouse from having her name added to the lease, as per Rent Stabilization Code, Section 2522.5(g)(1).

I trust this information is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Falbo", with a long horizontal flourish extending to the right.

Bruce Falbo
Bureau Chief
Rent Information Bureau

Bf/lc
Log #COL-2559
Enclosure